

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

ENVIRONMENTAL LAW AND POLICY	)	
CENTER, et al.,	)	
Plaintiffs,	)	
	)	No. 17-cv-1514
v.	)	
	)	Hon. James G. Carr
UNITED STATES ENVIRONMENTAL	)	
PROTECTION AGENCY, et al.,	)	
Defendants.	)	
	)	

---

JOINT STATUS REPORT

Pursuant to the Court's March 27, 2019, Order, the parties file this status report. They continue to negotiate Plaintiffs' motion for costs and attorneys' fees, and request the Court to continue to hold that motion in abeyance.

Plaintiffs Environmental Law & Policy Center and Advocates for a Clean Lake Erie have filed a new complaint, No. 3:19-cv-295, regarding Ohio's 2018 Integrated Report, and Ohio's alleged constructive submission of no TMDL for western Lake Erie. The Lucas County Board of Commissioners has also filed a new case, No. 3:19-cv-873, regarding Ohio's 2018 Integrated Report and an alleged constructive

submission of no TMDL for western Lake Erie. Both cases are assigned to Judge Carr.

Respectfully submitted this 31<sup>st</sup> day of May, 2019.

/s/ Daniel R. Dertke

DANIEL R. DERTKE,  
United States Department of Justice  
Environment & Natural Resources Division  
Environmental Defense Section  
P.O. Box 7611  
Washington, D.C. 20044  
Tel: (202) 514-0994  
[daniel.dertke@usdoj.gov](mailto:daniel.dertke@usdoj.gov)

JUSTIN E. HERDMAN  
United States Attorney

JODY L. KING (0094125)  
Assistant United States Attorney  
Northern District of Ohio  
Four Seagate, Suite 308  
Toledo, OH 43604-2624  
Tel: (419) 259-6376  
[Jody.King@usdoj.gov](mailto:Jody.King@usdoj.gov)

Attorneys for Defendants

/s/ Madeline Fleisher (by permission)

MADELINE FLEISHER (91862)  
Environmental Law & Policy Center  
21 W. Broad St., 8th Floor  
Columbus, OH 43215  
Tel: (614) 569-3827  
Fax: (312) 795-3730

mfleisher@elpc.org

MICHAEL BARSA (196043)  
Northwestern Pritzker School of Law  
357 East Chicago Avenue  
Chicago, IL 60611  
Tel: (312) 503-7983  
Fax: (312) 503-5950  
m-barsa@northwestern.edu

Attorneys for Plaintiffs

**CERTIFICATE OF SERVICE**

I hereby certify that on May 31, 2019, I electronically filed the foregoing JOINT STATUS REPORT with the Clerk of the Court by using the CM/ECF system. The participants in the case are registered CM/ECF users and service will be accomplished by the CM/ECF system.

/s/ Daniel R. Dertke

Daniel R. Dertke